高等学校财政学类专业主要课程教材

外国税制

Foreign Tax Systems

程 黎　范信葵　主编

高等教育出版社

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WAIGUO SHUIZHI

高等教育出版社·北京

内容简介

"*Foreign Tax Systems*"是为适应财政税收学科双语教学的需要而编写的教材，主要介绍了美国、英国、法国、德国、澳大利亚、日本、印度、巴西等国家和欧盟及东非主要国家的税收制度。本课程是财政税收专业本科生在学习和掌握了税收基础理论和中国税制的基础上需要学习的一门主干课程，同时也可作为其他财经类专业本科生的选修课程。

考虑到英语的普及程度及双语教学的需要，本教材采用全英文编写，书后附有词汇表，旨在让学生更好地掌握外国税制中涉及的相关专业词汇及专业的表达方法。

图书在版编目（CIP）数据

外国税制：英文 / 程黎，范信葵主编. －北京：高等教育出版社，2014. 10

ISBN 978－7－04－040880－5

Ⅰ. ①外… Ⅱ. ①程… ②范… Ⅲ. ①税收制度－世界－双语教学－高等学校－教材－英文 Ⅳ. ①F811. 4

中国版本图书馆 CIP 数据核字（2014）第 178086 号

策划编辑 施春花 责任编辑 范 吕 封面设计 杨立新 版式设计 王艳红
插图绘制 邓 超 责任校对 张小镝 责任印制 朱学忠

出版发行	高等教育出版社	咨询电话	400-810-0598
社　　址	北京市西城区德外大街 4 号	网　　址	http://www.hep.edu.cn
邮政编码	100120		http://www.hep.com.cn
印　　刷	天津新华二印刷有限公司	网上订购	http://www.landraco.com
开　　本	787mm×1092mm 1/16		http://www.landraco.com.cn
印　　张	17	版　　次	2014 年 10 月第 1 版
字　　数	390 千字	印　　次	2014 年 10 月第 1 次印刷
购书热线	010-58581118	定　　价	39. 00 元

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通信地址　北京市西城区德外大街4号　高等教育出版社法务部

邮政编码　100120

前 言

高校双语教学是教学改革的重要内容之一，对提高学生专业外语应用能力具有积极的作用。但是如何进行双语教学、使用什么样的教材进行双语教学，却一直困扰着我们。《外国税制》的编写是我们在这方面所作的一点儿尝试，适用于财政学专业、税务专业以及其他涉外专业“外国税制”双语课程。

由于课时和篇幅限制，《外国税制》不可能介绍世界上所有国家或地区的税收制度，只能有选择地介绍。因此，在国家或地区的选取上，主要从有关国家或地区经济发展水平、政治经济制度以及地缘、社会、历史、文化等方面综合考虑，选取各大洲最主要的（对世界经济产生较大影响的）和最具有典型意义的一些国家或地区来介绍其税收制度。本教材对各国或各地区税制的概况、税制结构、税收管理作了系统的介绍，并对当代各国税制改革的现状及发展趋势作了简单的介绍及评述。为便于学习，本教材在每章后都编有练习题。

本教材在编写上力求突出以下特点：

第一，涵盖的国家或地区尽可能广且具有典型性。在国家或地区的选取上涵盖了世界上最主要的，或税制模式上具有典型意义的十多个国家或地区。其中美国、英国、法国、德国和日本是世界上经济发达的国家，其税制有一定的代表意义。另外随着经济全球化的进一步发展，欧盟一体化也在进一步深化，所以本教材对欧盟税制作了简单的介绍。澳大利亚是英联邦国家，也是大洋洲的主要国家，为了更全面地了解发达国家的税制状况，从地缘等方面考虑，编者将澳大利亚纳入了本教材的内容体系。印度和巴西分别是南亚和南美的主要发展中国家，本教材对印度、巴西以及东非主要国家的税收制度作了简要介绍。这样有助于全面了解发展中国家和相对落后国家的税收制度。

第二，资料尽可能新。各国税制每年都有新的变化，本教材编写过程中力求采用最新信息。

本教材内容共包括10章，第一章为美国税制；第二章为欧盟税制，介绍了欧盟税制一体化的基本思路；第三、四、五章分别为英、法、德三国税制；第六章为澳大利亚税制；第七章为日本税制；第八章为印度税制；第九章为东非主要国家税制；第十章为巴西税制。

本教材由中南财经政法大学财政税务学院程黎、范信葵主编。程黎老师编写第一章、第二章、第六章、第七章、第八章、第九章和第十章，范信葵老师编写第三章、第四章及第五章。另外，在本教材的编写过程中，加拿大圣玛丽大学 Barry Gorman 教授和澳大利亚南昆士兰大学 Phil Griffth 教授参与审稿并提供了很多宝贵的建议。

中南财经政法大学财政税务学院杨灿明教授、李大明教授、陈志勇教授、刘京焕教授、侯石安

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教授、庞凤喜教授等对全书的框架结构、章节体系及内容的编写，提出了许多具体的建议。同时，学院的领导和老师们给予了无私的支持，在此一并表示感谢！

由于种种原因，在编写中很难找到第一手资料，所以本教材更多地使用了在网络及各种公开媒介上发表的相关资料，也借鉴了有关学者的观点和相关内容，在此我们向所有直接或间接为本教材提供了素材的原作者表示衷心的感谢！

限于编者经验和水平有限，加上资料获取、语言多样等困难，本教材难免存在着错误和不足之处，敬请专家和读者给予批评指正，同时希望大家对教材提出进一步的改进建议和意见，以便教材再版时修订完善。

编　者

2014年8月

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Chapter 1

Tax System in the United States of America

Introduction

The United States of America is a federal republic with autonomous states and local governments. Taxes are imposed in the United States at each of these levels. These include taxes on income, property, sales, imports, payroll, estates and gifts, as well as various fees.

The main source of revenue for the federal government is personal income tax, which generates roughly five times as much as corporate income tax.

The states obtain their funding from both personal income tax and consumption tax, while the local governments mainly tax real and personal property. Most states and local communities impose a sales tax (designed as a single-phase tax), whereas the federal government does not.

The states and local governments compete with each other through their right to impose supplementary personal and corporate income taxes. This efficient system has its price: it complicates tax law with the taxpayers, who may have to file tax returns for all three levels of government.

Tax sovereignty is divided among the federal government, the states and the local governments. Personal income tax, for instance, is levied by both the federal government and the states, and even to some extent by the local communities. The tax burden therefore often differs considerably from region to region, both for individuals and for companies.

1. The structure of taxation in the USA

Taxation in the United States is a complex system which may involve payments to at least four different levels of government: local government, possibly including one or more of municipal, township, district and county governments; regional entities such as school, utility and transit districts; state government; and federal government. Each imposes taxes to fully or partly fund its operations.

These taxes may be imposed on the same income, property or activity, often without offset of one tax against another.

The types of taxes imposed at each level of government vary, in part due to constitutional restrictions. Income taxes are imposed at the federal and most state levels. Taxes on property are typically imposed only at the local level, though there may be multiple local jurisdictions that tax the same property. Excise taxes are imposed by the federal and some state governments. Sales taxes are imposed by most states and many local governments. Customs duties or tariffs are only imposed by the federal government. A wide variety of other taxes, some called user or license fees, are imposed.

Taxes are imposed on net income of individuals and corporations by the federal, most states, and some local governments. Residents are taxed on worldwide income and allowed a credit for foreign taxes. Income subject to tax is determined under tax rules, not accounting principles, and includes almost all income from whatever source. Most business expenses reduce taxable income, though limits apply to a few expenses.

Individuals are permitted to reduce taxable income by personal allowances and certain non-business expenses, including home mortgage interest, state and local taxes, charitable contributions, and medical and certain other expenses incurred above certain percentages of income. State rules for determining taxable income often differ from federal rules. Federal tax rates vary from 10% to 35% (for 2012) of taxable income. State and local tax rates vary by jurisdiction, and many are graduated. State taxes are generally treated as deductible expense for federal tax computation. Certain alternative taxes may apply.

Payroll taxes are imposed by the federal and all state governments. These include social security and medicare taxes imposed on both employers and employees, at a combined rate of 15.3% (13.3% for 2011). Social security tax applies only to the first $106,800 of wages from 2009 to 2011. Employers also must withhold income taxes on wages. An unemployment tax and certain other levies apply.

Property taxes are imposed by most local governments and many special purpose authorities based on the fair value of property. School and other authorities are often separately governed, and impose separate taxes. Property tax is generally imposed only on realty, though some jurisdictions tax some forms of business property. Property tax rules and rates vary widely.

Sales taxes are imposed on the price at retail sale of many goods and some services by most states and some localities. Sales tax rates vary widely among jurisdictions, from less than 1% to over 10%, and may vary within a jurisdiction based on the particular goods or services taxed. Sales tax is collected by the seller at the time of sale, or remitted as use tax by buyers of taxable items who did not pay sales tax.

The United States imposes tariffs or customs duties on the import of many types of goods from many jurisdictions. This tax must be paid before the goods can be legally imported. Rates of duty vary

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from 0% to more than 20% ,based on the particular goods and country of origin.

1.1 Overview of the federal tax system

The current federal tax system has four main elements: an income tax on individuals and corporations (which consists of both a "regular" income tax and an alternative minimum tax); payroll taxes on wages (and corresponding taxes on self-employment income); estate, gift, and generation skipping taxes; and excise taxes on selected goods and services.

A number of aspects of the federal tax laws are subject to change over time. For example, some dollar amounts and income thresholds are indexed for inflation. The standard deduction, tax rate brackets, and the annual gift tax exclusions are examples of amounts that are indexed for inflation. In general, the Internal Revenue Service adjusts these numbers annually and publishes the inflation adjusted amounts in effect for a tax year prior to the beginning of that year. Where applicable, this document generally includes dollar amounts in effect for 2007 and notes whether dollar amounts are indexed for inflation.

Tax concentration coefficient (a variant of the Gini coefficient) is a measure of tax inequality. The higher the number is, the more progressive the tax. ①

1.2 Main federal taxes

1.2.1 Individual income tax

In general, a United States citizen or resident alien generally is subject to the US individual income tax on his or her worldwide taxable income. Taxable income equals the taxpayer's total gross income less certain exclusions, exemptions, and deductions. Graduated tax rates are then applied to a taxpayer's taxable income to determine his or her individual income tax liability. A taxpayer may face additional liability if the alternative minimum tax applies. A taxpayer may reduce his or her income tax liability by any applicable tax credits.

Total tax revenue (not adjusted for inflation) for the US federal government from 1980 to 2009 compared to the amount of revenue coming from individual income taxes is showed in Chart 1.1.

1.2.1.1 Filing status

Filing status is an important factor when computing taxable income under the federal income tax in the United States. The federal tax filing status defines the type of tax return form an individual will use. Filing status is based on marital status and family situation.

A taxpayer will fall into one of five possible filing status categories: single individual, married person filing jointly or surviving spouse, married person filing separately, head of household and a qualifying widow(er) with dependent children. A taxpayer who qualifies for more than one filing status

① http://upload.wikimedia.org/wikipedia/en/9/99/UStaxprogressivity.png

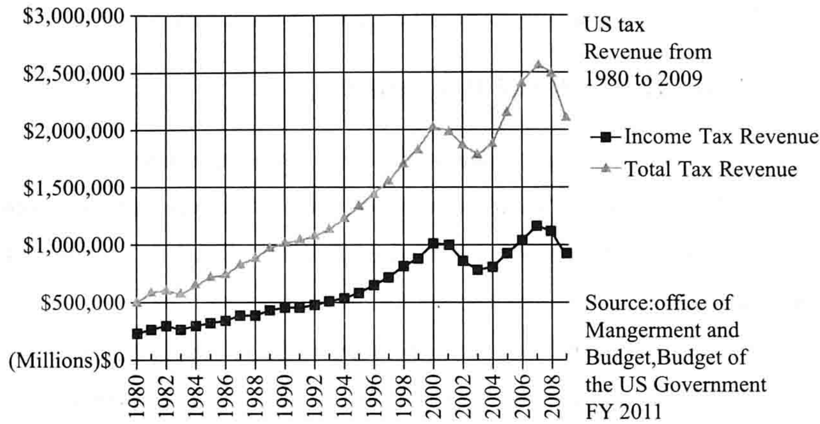

Chart1.1 US tax revenue from 1980 to 2009

may choose the most advantageous status.

Generally, the marital status on the last day of the year determines the status for the entire year.

a. Single

Generally, if someone is unmarried, divorced, a registered domestic partner, or legally separated according to state law on December 31, that person must file as a single person for that year because the marital status at year-end applies for the entire tax year.

There are some exceptions, such as qualifying as a head of household or as a surviving spouse, that do not require one to file as a single taxpayer.

b. Married filing jointly

Marital status is decided based on a person's marital status on December 31. If a couple is married on December 31 of the taxable year, the couple may file a joint return for the year. However, even if the first day of legal separation or divorce from the spouse is December 31, one cannot file a joint return for any portion of that year. Certain married individuals, not legally separated or divorced, may still be considered single for purposes of filing tax returns if they are living apart.

A married couple is not required to file jointly. If one lived apart from one's spouse for the last six months of the year, one may also qualify for head of household status. If a spouse dies during the year, the surviving spouse may generally still file a joint return with the deceased spouse for that year because the taxpayer's marital status at the time of the spouse's death applies to the entire taxable year.

c. Married filing separately

Although the joint return often produces lower taxes, the opposite is sometimes the case. To accommodate for such circumstances, married couples may decide to file separately for a taxable year.

Married couples filing separately does not create an identical situation to the two parties filing as single. There are different brackets for unmarried taxpayers from the ones for married taxpayers who file separately. Unmarried taxpayers enjoy wider tax brackets and so pay less tax on the same amount of

income. The rationale behind this differentiation may be in part due to the economy of scale that married couples enjoy by sharing certain expenses.

Certain taxpayers, who would otherwise be considered married but file separately, maintain a household for a child and have a spouse not a member of the household for the last six months of the taxable year shall be considered unmarried.

d. Head of household

To qualify for the head of household filing status, one must be unmarried and pay more than half the cost of maintaining a home for oneself and another relative who lives with that person for over half the year and can be claimed as a dependent. A "dependent" for this purpose includes grandchild and step-grandchildren, not just children and stepchildren.

Filing as a head of household can have substantial financial benefits over filing as a single status taxpayer. As a head of household, one may obtain a more generous tax brackets and larger standard deductions.

There are many special rules and exceptions applicable to head of household filing status.

e. Qualifying widow(er) with dependent child

Certain taxpayers, who maintain their homes as principal residences of qualifying dependents and whose spouses died during either of the last two preceding taxable years, may be considered surviving spouses as long as they have not remarried. If the two-year time period has run out following the spouse's death, one may still qualify for the head of household status.

There are many special rules and exceptions that apply to the surviving spouse filing status.

1.2.1.2 Adjusted gross income

Under the Internal Revenue Code of 1986 (the Code), gross income means "income from whatever source derived" except for certain items specifically exempt or excluded by statute. Sources of income include compensation for services, interest, dividends, capital gains, rents, royalties, alimony and separate maintenance payments, annuities, income from life insurance and endowment contracts (other than certain death benefits), pensions, gross profits from a trade or business, income in respect of a decedent, and income from S corporations[1], partnerships, trusts or estates. Statutory exclusions from gross income include death benefits payable under a life insurance contract, interest on certain state and local bonds, employer-provided health insurance, employer-provided pension contributions, and certain other employer-provided benefits.

An individual's adjusted gross income (AGI) is determined by subtracting certain "above-the-line" deductions from gross income. These deductions include trade or business expenses, capital

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[1] An S corporation, for United States federal income tax purposes, is a closely heldcorporation that makes a valid election to be taxed under Subchapter S of Chapter 1 of the Internal Revenue Code (sections 1361 through 1379). In general, S corporations do not pay any federal income taxes. Instead, the corporation's income or losses are divided among and passed through to its shareholders. The shareholders must then report the income or loss on their own individual income tax returns.

losses, and contributions to a tax-qualified retirement plan by a self-employed individual, contributions to individual retirement arrangements (IRAs), certain moving expenses, and alimony payments.

1.2.1.3 Taxable income

In order to determine taxable income, an individual reduces AGI by any personal exemption and either the applicable standard deduction or his or her itemized deductions. Personal exemptions generally are allowed for the taxpayer, his or her spouse, and any dependents.

The standard deduction, as defined under United States tax law, is a dollar amount that non-itemizers may subtract from their income and is based upon filing status. It is available to US citizens and resident aliens (for tax purposes) who are individuals, married persons, and heads of household and increases every year. It is not available to nonresident aliens residing in the United States. Additional amounts are available for persons who are blind and/or are at least 65 years of age. The standard deduction is distinct from personal exemptions, which also are available to all taxpayers and dependents. As one may not take both itemized deductions and a standard deduction, taxpayers generally choose the deduction that results in the lesser amount of tax owed.

The applicable basic standard deduction amounts for tax years 2006-2012 are as follows (see Table 1.1):

Table 1.1 basic standard deduction amounts for tax years 2006-2012

Year	Single	Married Filing Jointly	Married Filing Separately	Head of household	Qualifying Surviving Spouse
2012	$5,950	$11,900	$5,950	$8,700	$11,900
2011	$5,800	$11,600	$5,800	$8,500	$11,600
2010	$5,700	$11,400	$5,700	$8,400	$11,400
2009	$5,700	$11,400	$5,700	$8,350	$11,400
2008	$5,450	$10,900	$5,450	$8,000	$10,900
2007	$5,350	$10,700	$5,350	$7,850	$10,700
2006	$5,150	$10,300	$5,150	$7,550	$10,300

Other standard deduction in certain cases:

The standard deduction may be higher than the basic standard deduction if any of the following conditions are met: the taxpayer is 65 years of age or older; the taxpayer's spouse is 65 years of age or older; the taxpayer is blind (generally defined as not having corrected vision of at least 20/200 or as having extreme "limitation in the fields of vision"); and/or the taxpayer's spouse is blind.

For each applicable condition, a taxpayer adds $1,100 to his/her standard deductions (for 2010). However, the additional deduction is $1,400 for unmarried individuals.

For dependents, the standard deduction is equal to earned income (that is, compensation for

services, such as wages, salaries, or tips) plus a certain amount ($300 in 2010). A dependent's standard deduction cannot be more than the basic standard deduction for non-dependents, or less than a certain minimum ($950 in 2010).

Consider the following examples(see Table 1.2):

Table 1.2 examples

Taxpayer	Standard Deduction in 2010
70 year-old single individual	$5,700+ $1,400 = $7,100
40 year-old single individual who is blind	$5,700+ $1,400 = $7,100
Married couple, ages 78 and 80, one of whom is blind	$11,400+ $1,100+ $1,100+ $1,100 = $14,700
Dependent who earns $200 in 2010.	$950 (minimum standard deduction for dependents)
Dependent who earns $2,000 in 2010	$2,000+ $300 = $2,300
Dependent who earns $6,000 in 2010	$5,700 (maximum standard deduction for dependents)

In lieu of taking the applicable standard deduction, an individual may elect to itemized deductions. An itemized deduction is an eligible expense that individual taxpayers in the United States can report on their federal income tax returns in order to decrease their taxable income.

Most taxpayers are allowed to choose between the itemized deductions and the standard deduction. After computing their AGI, taxpayers can itemize their deductions (from a list of allowable items) and subtract those itemized deductions (and any applicable personal exemption deductions) from their AGI amount to arrive at their taxable income amount. Alternatively, they can elect to subtract the standard deduction for their filing status (and any applicable personal exemption deduction) to arrive at their taxable income. In other words, the taxpayer may generally deduct the total itemized deduction amount, or the standard deduction amount, whichever is greater.

The choice between the standard deduction and itemizing involves a number of factors: only a taxpayer eligible for standard deduction can choose it; US citizens and resident aliens are eligible to take the standard deduction. Nonresident aliens are not eligible; If the taxpayer is filing as "married, filing separately", and his or her spouse itemizes, then the taxpayer cannot take the standard deduction. In other words, a taxpayer whose spouse itemizes deductions must either itemize as well, or claim "0" (zero) as the amount of the standard deduction.

The taxpayer must have maintained the records required to substantiate the itemized deductions.

If the amounts of the itemized deductions and the standard deduction do not differ much, the taxpayer may take the standard deduction to reduce the possibility of adjustment by the Internal Revenue Service (IRS). The amount of standard deduction cannot be changed upon audit unless the taxpayer's filing status changes.

Deductions are reported in the tax year in which the eligible expenses were paid. For example, an

annual membership fee for a professional association paid in December 2009 for year 2010 is deductible in year 2009.

a. Examples of allowable itemized deductions

There are a number of allowable deductions:

(1) Medical expenses, to the extent that the expenses exceed 7.5% of the taxpayer's AGI. (e.g., a taxpayer with an AGI of $20,000 and medical expenses of $5,000 would be eligible to deduct $3,500 of their medical expenses (20,000×0.075 = 1,500; 5,000 − 1,500 = 3,500). The 7.5% floor means that most taxpayers are unable to take advantage of the medical expense deduction.

Allowable medical expenses include: Capital expenditures that are advised by a physician, where the facility is used primarily by the patient alone and the expense is reasonable (e.g. a swimming pool for someone with degenerative spinal disorder, an elevator for someone with heart disease); Payments to doctors, dentists, surgeons, chiropractors, psychologists, counselors, physical therapists, osteopaths, podiatrists, home health care nurses, cost of care for chronic cognitive impairment; Premiums for medical insurance (but not if paid by another, or with pre-tax money); Premiums for qualifying long-term-care insurance, depending on the taxpayer's age; Payments for prescription drugs and insulin; Payments for devices needed to treat or compensate for a medical condition (crutches, wheelchairs, prescription eyeglasses, hearing aids); Mileage for travel to and from doctors and medical treatment; Necessary travel expenses.

Non-deductible medical expenses include: Over-the-counter medications; Health club memberships (to improve general health & fitness); Cosmetic surgery (except to restore normal appearance after an injury or to treat a genetic deformity).

(2) State and local taxes paid, including: Income taxes (or, alternatively, state and local general sales taxes), Vehicle registration license fee, Property taxes (assessed by reference to the value of the property). But not including: Use taxes, Excise taxes.

(3) Fines or penalties, Mortgage interest expense on debt incurred in connection with up to two homes, subject to limits (up to $1,000,000 in purchase debt, or $100,000 in home equity loans), also, points paid to discount the interest rate on up to two homes; points paid upon acquisition are immediately deductible, but points paid on a refinance must be amortized (deducted in equal parts over the lifetime of the loan), also private mortgage insurance premiums through 2010.

(4) Investment interest, up to the amount of income reported from investments (the balance is deferred until more investment income is declared).

(5) Charitable contributions to allowable recipients, this deduction is limited to either 30% or 50% of AGI, depending on the characterization of the recipient. Donations can be made as money, or in the form of goods. The value of donated services cannot be deducted as a contribution. Reasonable expenses necessary to provide donated services can, however, be deducted (such as mileage, special uniforms, or meals). Non-cash donations valued at more than $500 require special substantiation on a

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